

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:22 CR 648
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
TIMOTHY GATES,)	REFERRAL TO U.S. PROBATION
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Thomas M. Parker, regarding the change of plea hearing of Timothy Gates, which was referred to the Magistrate Judge with the consent of the parties.

On November 17, 2022 the government filed a 2 count Indictment, charging Defendant Gates with Illegal Possession of a Machine Gun, in violation of Title 18 U.S.C. § 922(o) and 924(a)(2), and Felon in Possession of a Firearm, in violation of Title 18 U.S.C. § 922(g)(1) and 924(a)(8). On November 28, 2022 Magistrate Judge Parker held an arraignment, during which Mr. Gates entered a plea of not guilty to the charges. On February 2, 2023 Magistrate Judge Parker received Defendant's plea of guilty to counts 1 and 2 of the Indictment, with a written plea agreement, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Gates

is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Timothy Gates is adjudged guilty to counts 1 and 2 of the Indictment, in violation of Title 18 U.S.C. §§ 922(o), 922(g)(1) and 924(a)(2) and (a)(8). This matter was referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be held on May 30, 2023 at 2:00 p.m. in Courtroom 19A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

UNITED STATES DISTRICT JUDGE

March 13, 2023